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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/704,558	11/03/2000	Yasuhito Taira	001475	4557

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EXAMINER

BLACKWELL, JAMES H

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 06/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/704,558	Applicant(s) TAIRA, YASUHIITO	
	Examiner James H. Blackwell	Art Unit 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to an amendment submitted 03/27/2006 originating from an original application with foreign priority date **02/29/2000**.
2. Claims 5-8 remain pending. Claim 5 is the independent claim.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-8 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Bayeh et al. (hereinafter Bayeh, U.S. Patent No. 6,012,098 filed 02/23/1998).

In regard to independent Claim 5, Bayeh teaches *A processor connected via a network system to an operation terminal in which inputs are made through a Web browser, the processor comprising:* (see Fig. 4).

Bayeh also teaches a client/server system whereby information retrieval logic can be isolated from information presentation formatting logic on the server. This isolation technique allows efficient use of multiple components for information retrieval, as well as multiple components for information formatting. The goal is to create a server environment that is modular, making it much easier to manage and maintain by avoiding

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having to rewrite major portions of the server processing software when changes, for example, in style, are modified (Col. 3, lines 31-58).

Bayeh makes use of servlets, Java-based applications which have typically replaced the traditional CGI scripting, but which perform the same general function in that they process incoming data streams (typically from clients) and return results (typically to clients). It is assumed that the claimed *processor* is the CPU that executes software on the server machine, and the claimed *interpreter* consists of server software under which, in this case, Java Servlets execute.

Fig. 4 depicts the general layout of Bayeh's system. Here, the client computer 78' has client software, the browser 76', installed that allows the user to create a search request 80' and send that request into the Internet for processing.

The search request 80' reaches a server 82' capable of fulfilling the search request, and there are servlets 84' (as well as servlets 83 and 85) running on the server machine. In the programming model of Fig. 4, one of the types of servlets is referred to as a "*data servlet*" 83. The functionality of the data servlets is structured so that a data servlet retrieves data from a database. *The role of the data servlet is only to retrieve data from a database 88': it does no presentation formatting of that retrieved data.* The data servlet 83 receives the search request 80', queries a database 88' using database query statements 86' appropriate to the particular database, and receives the query results 90'. At that point, the data retrieval function of the data servlet 83 is complete.

Before the data servlet 83 can pass data to another servlet for further processing, it must format that data in a manner that allows the next servlet to read and correctly

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interpret the data. In the preferred embodiment of the present invention, the data servlet formats its output as an Extensible Markup Language ("XML") data stream 97. The XML data stream 97 is passed on to a "*rendering servlet*" 85. The function of the rendering servlet 85 is to render the data it receives into a presentation format (in other words, the rendering servlet 85 adds presentation formatting instructions to the data it receives).

By isolating the function of the rendering servlet 85 from the function of the data servlet 83, the advantages of structured, modular programming are achieved. One of these advantages is simplifying the change process if changes are required to either the data retrieval logic (isolated in the data servlet 83), or to the data presentation formatting logic (isolated in the rendering servlet 85) (Col. 7, lines 58-67; Col. 8, lines 1-43; Fig. 4).

Bayeh does not specifically teach that the *server interpreter interprets CGI scripts*. However, it would have been obvious to one of ordinary skill in the art at the time of invention to assume, in light of the CGI v. Servlet argument above, that Servlets and CGI scripts perform the same function. That is, to process requests from clients.

Bayeh does teach that the browser (client) is responsible for submitting information to the server (Col. 7, lines 61-67), and since the invention of Bayeh is that of a server executing a search engine (Col. 7, lines 61-63), and that it was typical of at least commercial search engines at the time of invention to allow the user to designate the style of output they would like to receive (e.g., 10 results per page, short summaries, etc.), then it would have been obvious to assume that the browser client of Bayeh would

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have been capable of *designating a display control file* to be used in presenting the output from the server, as claimed.

Bayeh also teaches (2) *analyzes a description of a display control file* in that the server interpreter under which the Java servlets execute, executes a *rendering servlet* 85 which uses two types of input. The first type of input is the data representing the query results 90' for the user's search request 80', formatted as an XML data stream 97 by the data servlet 83. The second type of input to the rendering servlet 85 is an Extensible Style Language ("XSL") style sheet 99. Using these two inputs, the rendering servlet 85 creates an HTML data stream 96' (thus, teaching the limitation *processes a processing program based on the description of the display control file*; and (4) *outputs the display control information described in the display control file to the Web browser based on the result of the processing*) (Col. 9, lines 1-9).

Finally, Bayeh teaches the limitation (3), *wherein the display control file, the CGI scripts, and the processing program are configured separately* in that the server system is highly modularized for the purpose of allowing changes to be made to only those components that need changing, rather than having to rewrite the entire processing code each time, for example, a new style was added (see Abstract). It would have been obvious to one of ordinary skill in the art at the time of invention to realize that in having a modularized server that one would have been able to configure each module separately.

In regard to dependent Claims 6-7, Bayeh teaches that *in the display control file, the display control information is described separately in a file control division and an*

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HTML division in that what the rendering servlet processes is a combination of XML formatted results data and a designated XSL stylesheet (see Fig. 5).

Likewise, Bayeh teaches that *the interpreter reads the display control information for each line and executes an analyzing process* (Col. 9, lines 1-29).

In regard to dependent Claim 8, Bayeh teaches that *the interpreter embeds, based on the description of the HTML division, dynamic information related to the display of the Web page in HTML output and outputs the HTML output* in that the data results from the search of a database (dynamic content) is combined with stylesheet information (converts data to HTML from XML using XSL) within the rendering servlet to produce results that are sent back to the client in a format they designated (Col. 4, lines 23-47).

Response to Arguments

5. Applicant's arguments filed 03/27/2006 have been fully considered but they are not persuasive.

Specifically, Applicant argues that the prior art of Bayeh et al. fails to teach a processor, which has an interpreter to interpret CGI scripts. The Examiner respectfully disagrees. Generally, Bayeh et al. teaches the use of a client/server system to enable a user to make a request using a web browser (client) to a web server via a network (internet), which then, via the execution of server-side code (a servlet), "assembles" a result and returns the result to the client. It is though the processing provided by the server-side code (servlet) that such a process is enabled (see Col. 2, lines 21-54).

It is therefore clear from the prior art of Bayeh et al. that the system described therein is one of a web client/server.

The Examiner first argues that a server (here a web server) typically consisted of a computer (processor) that is responsible for accepting HTTP requests from clients and a computer program (e.g. NCSA Httpd (available from <http://hoohoo.ncsa.uiuc.edu>)) that provides the functionality of said processor.

Web server software (such as NCSA Httpd) supported both static content (file content recorded in a server's filesystem(s)) and dynamic content by supporting one or more related interfaces (SSI, CGI, SCGI, (and later on ASP, JSP, Servlets, Applets).

It is the Examiners opinion that one or more of these interfaces acts to interpret code (written in any number of languages) by making calls (i.e., executing it) from within

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the server software to perform the tasks, such as those required by the prior art of Bayeh et al. One would have typically written such code to, for example, process a html form, or a query submitted by a client to the server.

As admitted previously, Bayeh et al. does not interpret CGI scripts but rather interprets Java Servlets.

The Applicant argues that no evidence as to the equivalence of CGI scripting and Java Servlets was provided by the Examiner in the prior action. The Examiner acknowledges that omission and provides now proof that Java Servlets perform not only those tasks previously performed by CGI scripting, but are more capable and efficient than CGI scripts. The Examiner refers the Applicant to the prior art of CaribouLake (2 pages, archived 05/03/1998

http://web.archive.org/web/*/http://www.cariboulake.com/techinfo/java_html.html) which makes comparisons between CGI scripts and Java Servlets and suggests, though comparisons that one would typically replace CGI functionality with Java Servlets which can perform not only existing CGI functions, but are also better and more efficient.

Thus, Java Servlets were known in the art at the time of invention and are considered both equivalent to CGI and better for reasons stated in the reference.

Applicant further requests that the Examiner clearly indicate which elements of Bayeh et al. teach the "display control file" and the "processing program" as recited in the rejected claims. (Clear indication for those features was not previously provided, but such indication is necessary for applicant to understand how the PTO relies on the prior art). The Examiner responds by stating that Bayeh et al. provides display control

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through the use of rendering servlets interpreting XSL (or CSS) style sheets. It is these style sheets taught by Bayeh et al. that the Examiner interprets as the display control file(s) and the Rendering Servlet that is the claimed "processing program" (Fig. 4, items 99, 85 respectfully).

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Blackwell whose telephone number is 571-272-4089. The examiner can normally be reached on Mon-Fri.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R. Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

James H. Blackwell
06/06/2006

William S. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER